

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

FRED AYE,
Plaintiff,

vs.

THE TOWN OF VIAN, OKLAHOMA,
Defendant.

Case No. 14-CV-202-SPS
Judge:
JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED

COMPLAINT

COMES NOW the Plaintiff, by and through his attorney of record, The Law Office of Jim McClure, Inc., P.C., by Jim McClure, and for his cause of action against the Defendant, alleges and states:

JURISDICTION AND VENUE

Jurisdiction is invoked pursuant to Title 28 U.S.C. § 1331, in that Plaintiff's claims against the Defendant are based upon federal questions. Venue is appropriate because the Defendant is a governmental entity located within the Eastern District of Oklahoma.

FIRST CAUSE OF ACTION - RETALIATORY DISCHARGE

1. Plaintiff is a resident of the Eastern District of Oklahoma.
2. Defendant is a governmental entity of the State of Oklahoma, located in the Eastern District of Oklahoma.
3. On or about June 15, 2010, the Plaintiff was hired by the Defendant as a laborer.
4. Gene Grinstead is an employee of the Defendant, and was, at all times relevant, the immediate supervisor of Plaintiff.
5. On or about July 15, 2013, the Plaintiff's employment with the Defendant was terminated.
6. That commencing some time prior to July 15, 2013, Gene Grinstead harassed and intimidated Plaintiff while at work and created a hostile working environment.

7. Gene Grinstead also made racist remarks in the presence of Plaintiff and other employees of Defendant.
8. Plaintiff made multiple complaints to Dennis Fletcher, a town councilman, regarding the treatment he was receiving from Gene Grinstead.
9. Plaintiff was terminated in retaliation for making those complaints to Dennis Fletcher.
10. Prior to filing suit, Plaintiff filed a complaint with the Equal Employment Opportunity Commission, and he was given a “right to sue” letter dated February 27, 2014.

SECOND CAUSE OF ACTION - WRONGFUL DISCHARGE IN VIOLATION OF PLAINTIFF’S FIRST AMENDMENT RIGHT OF FREEDOM OF SPEECH

11. Plaintiff repeats and re-alleges each and every allegation contained above as if herein fully set forth.
12. Plaintiff was discharged in retaliation for exercising his First Amendment Right to Free Speech.

THIRD CAUSE OF ACTION - WRONGFUL DISCHARGE IN VIOLATION OF THE PUBLIC POLICY OF THE STATE OF OKLAHOMA

13. Plaintiff repeats and re-alleges each and every allegation contained above as if herein fully set forth.
14. Plaintiff’s discharge is in direct violation of expressed public policies of the State of Oklahoma.

DAMAGES

15. As to each of the Causes of Action set forth above, as a direct and proximate result of the actions of the Defendant, the Plaintiff has suffered loss of income and employment-related benefits, and emotional distress, in an amount not determined, but in excess of \$10,000.00.
16. That the actions of the Defendant were in willful disregard of the rights of Plaintiff, were

initiated by Defendant to stifle Plaintiff's rights, and violated expressed public policies of the State of Oklahoma, and as a result, punitive damages should be awarded to Plaintiff.

PRAYER

WHEREFORE, premises considered, Plaintiff prays for damages against the Defendant in an amount in excess of \$10,000.00, for punitive damages against the Defendant, for court costs, attorney fees, and for whatever just and equitable relief to which the Plaintiff may be deemed entitled.

Respectfully submitted,
The Law Office of Jim McClure, Inc., P.C.

/s/ Jim McClure
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